

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding Final Office Action (mailed July 11, 2006) is respectfully requested.

Claims 1, 10, 20, and 23 have been canceled without prejudice, and claims 2, 4, 7-9, 11, 13, 16-19, 21, 24, and 27-31 have been amended. Claims 2-9, 11-19, 21, 22, and 24-31 are now currently pending.

In the Final Office Action (at page 4), the Examiner stated that claims 4-6, 13-15, and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicants have amended non-rejected claims 4, 13, and 24 to place them in independent form, and have canceled the original independent claims 1, 10, and 20. These amendments are being made for the purpose of advancing prosecution, and are not to be construed as acquiescing to the validity of the pending rejections. In view of the present amendments, applicants respectfully submit that the currently pending rejections and objection have been overcome. Each rejection is addressed below.

The rejection of claims 20-22, 30, and 31 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,313,193 to Simendinger (“Simendinger”) is respectfully traversed in view of the above amendments and the following remarks. In particular, independent claim 20 has been canceled, and claim 24 has been amended to place it in independent form. Claims 21, 22, 30, and 31 now depend either directly or indirectly from amended claim 24. Because claim 24 was not subject to this rejection, applicants respectfully submit that the rejection is improper and should be withdrawn.

The rejection of claims 20-22, 30, and 31 under 35 U.S.C. § 102(b) as anticipated by WO 01/14497 to Jones et al. (“Jones”) is respectfully traversed in view of the above amendments and the following remarks. For the same reasons as stated in the preceding paragraph regarding the rejection based on Simendinger, applicants respectfully submit that this rejection based on Jones is improper and should be withdrawn.

The rejection of claims 1-3, 8-12, 17-23, and 28-31 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,677,410 to Mager et al. (“Mager”) is respectfully traversed in view of the above amendments and the following remarks. Independent claims 1, 10, and 20 have been canceled, and non-rejected claims 4, 13, and 24 have been amended to place them in independent form. All of the remaining claims that were rejected based on Mager now depend either directly or indirectly from claim 4, 13, or 24. Because claims 4, 13, and 24 were not subject to this rejection based on Mager, applicants respectfully submit that this rejection is improper and should be withdrawn.

The rejection of claims 1-3, 8, 10-12, 17-23, 28, 30, and 31 under 35 U.S.C. § 102(a) as anticipated by WO 02/094410 to Malik (“Malik”) is respectfully traversed in view of the above amendments and the following remarks. Independent claims 1, 10, and 20 have been canceled, and non-rejected claims 4, 13, and 24 have been amended to place them in independent form. All of the remaining claims that were rejected based on Malik now depend either directly or indirectly from claim 4, 13, or 24. Because claims 4, 13, and 24 were not subject to this rejection based on Malik, applicants respectfully submit that this rejection is improper and should be withdrawn.

The rejection of claims 1-3, 7, 10-12, 16, 19-23, 27, 30, and 31 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,800,330 to Hayashi et al. (“Hayashi”) is respectfully traversed in view of the above amendments and the following remarks. Independent claims 1, 10, and 20 have been canceled, and non-rejected claims 4, 13, and 24 have been amended to place them in independent form. All of the remaining claims that were rejected based on Hayashi now depend either directly or indirectly from claim 4, 13, or 24. Because claims 4, 13, and 24 were not subject to this rejection based on Hayashi, applicants respectfully submit that this rejection is improper and should be withdrawn.

The rejection of claims 1-3, 7, 9-12, 16, 18-23, 27, and 29-31 under 35 U.S.C. § 102(e) as anticipated by U.S. Published Patent Application 2004/0126595 to Kwon et al. (“Kwon”) is respectfully traversed in view of the above amendments and the following remarks. Independent claims 1, 10, and 20 have been canceled, and non-rejected claims 4, 13, and 24 have been amended to place them in independent form. All of the remaining claims that were rejected based on Kwon now depend either directly or indirectly from claim 4, 13, or 24. Because claims 4, 13, and 24 were not subject to this rejection based on Kwon, applicants respectfully submit that this rejection is improper and should be withdrawn.

The objection to claims 4-6, 13-15, and 24-26 as being dependent upon a rejected base claim is respectfully traversed in view of the above amendments.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,
/Andrew K. Gonsalves/

Andrew K. Gonsalves
Registration No. 48,145

Date: **January 11, 2007**

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1658
Facsimile: (585) 263-1600